

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAYSHAWN DONALDSON,)
)
Petitioner,)
)
v.) 1:18CV463
) 1:15CR381
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 31, 2018, was served on the parties in this action. (Docs. 49, 50.) Petitioner objected to the Recommendation. (Doc. 51.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's Motion, construed as a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence (Doc. 48), is DISMISSED due to Petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 & 2255 and Fourth Circuit Local Rule 22(d). A

Judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

July 2, 2018